

SECOND: That two children were born unto Etta Belle Nogle and George W. Nogle; namely, Carl F. Nogle and William A. Nogle. The said William A. Nogle departed this life on or about December 12, 1959, intestate, survived by his widow, Pauline Nogle, and one son; namely, George Edward Nogle.

THIRD: Your Complainant avers and alleges that upon the death of Etta Belle Nogle, the hereinabove described real estate vested, in equal shares, unto Carl F. Nogle and your petitioner, George Edward Nogle.

FOURTH: That Carl F. Nogle departed this life on or about the 11th day of February, 1976, leaving a Last Will and Testament admitted to probate by the Orphans' Court for Frederick County, Maryland, on or about the 17th day of February, 1976 and recorded in Liber T.M.E. No. 8, folio 460, one of the Will Records for Frederick County, Maryland, wherein the said Carl F. Nogle devised and bequeathed his entire estate unto Delmas M. Layman and Margaret C. Layman, and did appoint the said Delmas M. Layman and Margaret C. Layman as Personal Representatives. A certified copy of said Last Will and Testament is filed herewith and marked "Complainant's Exhibit No. 2" and is prayed to be taken as a part hereof.

FIFTH: That all of the parties to this action are sui juris.

SIXTH: That the real estate which is the subject matter of this cause cannot be divided, in kind, between the parties in interest without material loss or irreparable injury to the parties interested and that it is therefore necessary for a sale of the real estate above mentioned.

SEVENTH: That there are no liens appearing on record and that no person, other than your Complainant and Defendants, are interested in said premises as owners or otherwise.